

REMARKS

Applicants have studied the Office Action mailed August 23, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 2, 3, 5, 8, 9, 10 and 11 are amended; claims 1, 6, 7 and 12-31 are canceled without prejudice; and new claim 32 is added. Claims 2, 3, 4, 5, 8, 9, 10, 11 and 32 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

Objection to Claims Because of Informalities

The Examiner objected to claims 2, 5, 9, 11, 13, 17, 20, 25, 27 and 29 because of informalities, in that the word "spacial" is used in the claims rather than the word "spatial". According to both the Merriam-Webster Dictionary and the American Heritage Dictionary of the English Language, "spacial" is an acceptable variant of "spatial". Accordingly, the Applicants respectfully submit that the Examiner's objection to claims 2, 5, 9, 11, 13, 17, 20, 25, 27 and 29 be withdrawn.

Rejection of Claims Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 2, 5-12, 16-20 and 23-27 under 35 U.S.C. §102(e) as being anticipated by Hines et al., hereinafter "Hines", (US2004/0192337).

A proper rejection under 35 U.S.C. §102(e) requires that a single reference teach, i.e., identically describe, each and every element of the rejected claims as being anticipated by Milos. See MPEP ¶2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." [Emphasis Added] Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

By this amendment, claim 2 has been amended and made independent to distinguish over Hines. The changes find support in the application as originally filed, including, in particular, at page 10, lines 17-24 of the specification. The last element of amended claim 2 is not taught or disclosed by Milos:

a task generator, for generating one or more tasks according to one or more triggers included in the subscription service request by utilizing the task application generation modules and the spacial geographical location information extracted by said geographical information extracting means, wherein each trigger of the plurality of triggers has a priority with respect to one another, the priorities being included in the subscription service request, and wherein said task generator further generates a controlling program for controlling the sequence of running the tasks based on the priorities, and transmits said controlling program to said one of said at least one requestee.

Milos does not teach or disclose triggers that have a priority with respect to one another and that are included in the subscription service request, and Milos does not teach or disclose a task generator that generates a controlling program for controlling the sequence of running the tasks based on the priorities. Accordingly, the present invention distinguishes over Milos for at least the foregoing reason.

Claims 5 and 8 depend from amended independent claim 2, and because dependent claims contain all the limitations of the independent claims, claims 5 and 8 distinguish over Milos, as well.

By this amendment, claim 9 has been carefully amended to distinguish over Hines. The changes find support in the application as originally filed, including, in particular, at page 10, lines 17-24 of the specification. The last element of amended claim 9 is not taught or disclosed by Milos:

a task generator, for generating one or more task applications for generating the subscribed information relative to the spacial geographical location information, according to one or more triggers included in the subscription service request and for triggering the generating the subscribed information relative to the geographical location information, by utilizing the task application generation modules stored in said task application generation module storage means, said task generator generating a task based on the generated task application(s) and the geographical information extracted by said geographical information extracting means, wherein each trigger of the plurality of triggers has a priority with respect to one another, the priorities being included in the subscription service request, and wherein said task generator further generates a controlling program for controlling the sequence of running the task application(s) based on the priorities, and transmits said controlling program to said one of said at least one requestee.

Milos does not teach or disclose a plurality of triggers that have a priority with respect to one another and that are included in the subscription service request, and Milos does not teach or disclose a task generator that generates a controlling program for controlling the sequence of running the task application(s) based on the priorities. Accordingly, the present invention distinguishes over Milos for at least the foregoing reason.

Claims 10 and 11 depend from amended independent claim 9, and because dependent claims contain all the limitations of the independent claims, claims 10 and 11 distinguish over Milos, as well.

The Applicants respectfully submit that the Examiner's rejection of claims 2, 5, 8, 9, 10 and 11 under 35 U.S.C. §102(e) has been overcome. (The other claims that were rejected as being anticipated by Hines were canceled.)

Rejection of Claims Under 35 U.S.C. §103(a)

The Examiner rejected 3, 4, 13-15, 21, 22 and 28-31 under 35 U.S.C. §103(a) as being unpatentable over Hines in view of Rankin et al., hereinafter "Rankin", (US2002/0155844).

Where the prior art points away from the combination, modification or substitution of which is the premises of the PTO's alleged *prima facie* case of obviousness, there likewise is a built-in traversal of the rejection. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). The Federal Circuit held a reference did not render the claimed combination *prima facie* obvious because, *inter alia*, the Examiner ignored material, claimed temperature limitations that were absent from the reference. See MPEP ¶2143.01.

The last element of amended independent claim 2 is not taught or disclosed by Rankin:

a task generator, for generating one or more tasks according to one or more triggers included in the subscription service request by utilizing the task application generation modules and the spacial geographical location information extracted by said geographical information extracting means, wherein each trigger of the plurality of triggers has a priority with respect to one another, the priorities being included in the subscription service request, and wherein said task generator further generates a controlling program for controlling the sequence of running the tasks based on the priorities, and transmits said controlling program to said one of said at least one requestee.

Claims 3 and 4 depend upon amended independent claim 2. Dependent claims recite all the limitations of the independent claim, and because Rankin also fails to disclose the elements and steps of the independent claims quoted hereinabove, the combination of Hines and Rankin fails to disclose such elements.

The Applicants respectfully submit that the Examiner's rejection of claims 3 and 4 under 35 U.S.C. §103(a) has been overcome. (The other claims that were rejected as being unpatentable over Hines in view of Rankin were canceled.)

CONCLUSION

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

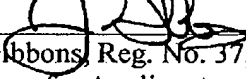
Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: November 23, 2005

By: 
Jon Gibbons, Reg. No. 37, 333
Attorney for Applicants
FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI, & BIANCO P.L.
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487
Tel (561) 989-9811
Fax (561) 989-9812

Please Direct All Future Correspondence to Customer Number **48243**

Docket No. CN920020011US1

19

10/690,691